



The State of New Hampshire
Department of Environmental Services

Michael P. Nolin
Commissioner



January 12, 2006

Representative David L. Babson Jr., Chairman
Environment and Agriculture Committee
Legislative Office Building, Room 303
Concord, NH 03301

SUBJECT: HB 1438-FN, an act prohibiting the disposal of construction or demolition debris except through an appropriate recycling program

Dear Chairman Babson and Members of the Committee:

HB 1438-FN seeks to amend RSA 149-M:27 by prohibiting the disposal of construction and demolition debris in a solid waste facility, composting facility, or incinerator except through an appropriate recycling program. The New Hampshire Department of Environmental Services (DES) conditionally supports this bill.

DES assumes this bill would require the recycling or processing of all construction and demolition debris (C&D) managed in New Hampshire into its component parts including wood, metals, glass, aggregate and gypsum fines. Currently, there are only two major processors of C&D in New Hampshire, ERRCO and LL&S. These two entities account for nearly all of the 55% of C&D that underwent processing in 2004. It is uncertain whether these facilities have the capacity to process the remaining 45%. DES is concerned that if this bill will pass, it is likely that new facilities would be required to process all C&D and that this bill's effective date of January 1, 2007 may not provide sufficient time for new processors to come on line or for existing processors to expand.

DES would also like to stress that, at present, the only economically viable product derived from recycled C&D is wood that is chipped for combustion in waste to energy incinerators. If the combustion of this wood product were to be negatively affected by market forces or legislation, the incentive for processing C&D would evaporate. In turn, C&D processors may no longer remain viable to meet this mandate.

The processors have recently encountered another problem which threatens the sustainability of their operations. Because of the potential for hydrogen sulfide gas generation, the use of drywall gypsum fines is no longer a viable alternative for landfill alternate daily cover. Inventories of this product have been accumulating at the processing facilities with both ERRCO and LL&S approaching their permitted storage volume. If a market or use for this product is not developed soon, the processors have indicated they may have to cease operations. Should either of these conditions arise and this bill passes, all C&D generated in New Hampshire would have to be taken out-of-state for processing or disposal.


Another potential complication to this legislation is pending legislation that would prohibit the recycled C&D wood from becoming a certified waste derived product and a requirement that anyone handling this wood-chip obtain a solid waste permit. This provides additional

disincentive to process C&D and is contrary to how recycled products are managed in New Hampshire.

Realizing that the potential exists for mandatory recycling without viable processors and the complications caused by such a scenario, DES supports this bill if restrictions on combustion of the wood component of C&D are lifted and the C&D derived wood is allowed to enter the market as a recycled product. Each of these conditions is important to the continued operation of C&D processors.

DES appreciates the opportunity to conditionally support this bill. If you have any questions regarding this letter of testimony, please do not hesitate to call me or Tony Giunta, P.G. at 271-2905.

Sincerely,



Michael P. Nolin
Commissioner

cc: Tony P. Giunta, P.G., Director, Waste Management Division
Paul L. Heirtzler, P.E., Esq., Administrator, Waste Management Division
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